

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION**

TIMOTHY W. FLEMING,)
)
Plaintiff,)
)
v.) Case No. 3:21-cv-00145-AMM-SGC
)
BASIL TIMOTHY CASE,)
)
Defendant.)

MEMORANDUM OPINION

The plaintiff, Timothy W. Fleming, filed a *pro se* complaint pursuant to 42 U.S.C. § 1983, alleging violations of his rights under the Constitution or laws of the United States. Doc. 1. The magistrate judge entered a report on June 28, 2021, recommending Mr. Fleming's federal claims be dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief may be granted. Doc. 6. The magistrate judge further recommended that Mr. Fleming's state law claims for legal malpractice be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c). Doc. 6. Although the magistrate judge advised Mr. Fleming of his right to file specific written objections within fourteen days, no objections have been received by the court.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court **ADOPTS** the

magistrate judge's report and **ACCEPTS** her recommendation. Therefore, in accordance with 28 U.S.C. § 1915A(b)(1), Mr. Fleming's federal claims are due to be dismissed without prejudice for failing to state a claim upon which relief may be granted. Additionally, Mr. Fleming's state law claims asserted in the complaint are due to be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3).

A Final Judgment will be entered.

DONE and **ORDERED** this 27th day of July, 2021.



ANNA M. MANASCO
UNITED STATES DISTRICT JUDGE